




MARICOPA COUNTY SUPERIOR COURT: PROBATE & MENTAL HEALTH DEPARTMENT

COVID-19 & Probate (Title 14 and Title 36, Chapter 32) Cases

Consistent with the various pandemic-related administrative orders entered by the Arizona Supreme Court and the Honorable Joseph Welty, Presiding Judge of the Superior Court of Arizona for Maricopa County (the "Maricopa County Superior Court"),¹ the Probate & Mental Health Department of the Superior Court of Arizona for Maricopa County (the "Department") is taking the following actions with respect to all probate (Title 14 and Title 36, Chapter 32) cases:

- 1 Adult adoption hearings will continue to be conducted in-person.**
- 2 Unless otherwise ordered by the assigned judicial officer for a particular Initial Hearing, all Initial Hearings will continue to be conducted electronically.** Thus, parties and their lawyers are not required to file a motion requesting leave to participate electronically in an Initial Hearing.
- 3 Unless otherwise ordered by the assigned judicial officer for a particular evidentiary hearing, all contested probate evidentiary hearings presumptively will be conducted in-person.**
- 4 Unless otherwise ordered by the assigned judicial officer for a particular proceeding, all other probate proceedings, including judicial settlement conferences, will be conducted electronically.** Thus, parties, witnesses, and their lawyers are **not** required to file a motion requesting leave to participate electronically.
- 5 Probable cause hearings, jury trials, and bench trials in Sexually Violent Person cases** may be conducted in-person. However, the respondent may request that a probable cause hearing or bench trial be conducted electronically.
- 6 To limit the number of co-occurring in-person proceedings** in a courthouse, the scheduling of necessary in-person proceedings will be coordinated by the Department's Presiding Judge or his designee.
- 7 For any proceeding in which in-person attendance occurs,** those in attendance will be required to wear a mask or other face covering and to "socially distance" in accordance with the most recent Administrative Orders that address these subjects. For the most current information about mask/face covering and social distancing requirements, please see [this page](#) on the Maricopa County Superior Court's website.

¹ Those Administrative Orders include, but are not limited to, Arizona Supreme Court Administrative Order Nos. [2021-109](#) and [2020-67](#) and Maricopa County Superior Court Administrative order Nos. [2021-119](#), [2021-112](#), [2021-103](#), and [2020-64](#).

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- 8** If an “interested person” (as defined in Title 14, A.R.S.) appears at the courthouse for the purpose of opposing a petition that is set for an Initial Hearing, the interested person will be allowed to enter the courthouse for the limited purpose of notifying the assigned judicial officer’s staff of the interested person’s presence and desire to oppose the relief requested in the petition. The judicial officer’s staff then will provide the interested person with further instructions, which might be for the interested person to attend the Initial Hearing in-person or for the interested person to attend the Initial Hearing electronically. If the instructions are for the interested person to attend the Initial Hearing electronically, the judicial officer’s staff will provide instructions as to how the interested person may attend electronically.
- 9** For probate cases assigned to a downtown Judicial Officer, the division copy of a filed document should be delivered to the Probate Court Drop Box located at the Downtown Court Facility (and not to the assigned Judicial Officer’s inbox in the East Court Building). Probate Court Administration then will route the document to the appropriate Judicial Officer.
- 10** Orders to Guardian, Orders to Conservator, Orders to Guardian and Conservator, and Orders to Personal Representative that have been signed by the fiduciary may be submitted electronically to the assigned Division for the assigned Judicial Officer to sign. Specifically, the fiduciary should sign the order to fiduciary and then scan the order to fiduciary and email it to the assigned Division. The subject line of the email should contain the case name and number and the words “Order to Fiduciary.” If a flatbed scanner is not available, the fiduciary may use an app such as Adobe Scan, which is available for free from the Apple App Store and the Google Play Store.
- 11** Requests for continuances and extensions of deadlines, as well as requests for special accommodations for persons who are at a high risk of illness from COVID-19 will be liberally granted.

Parties, counsel, and witnesses are strongly encouraged to participate in proceedings using both audio and video. If a participant does not have a computer webcam, the participant may use a camera built into a smartphone or tablet to facilitate video. Most judicial officers now have webcams and are using them.

Electronic Appearances: Currently, the Court will be utilizing Court Connect, which is based on the Microsoft Teams platform, for electronic appearances by parties, witnesses, and their lawyers (though, at the settlement conference judicial officer’s discretion, a different method may be used for settlement conferences). Microsoft Teams, which is free, is available for iOS, MacOS, Windows, and Android. Users may participate using those apps, a web browser, or (for audio only) a telephone line. In most instances, when the Court sets an Initial Hearing, the Court will generate a Notice of Hearing that contains the pertinent Microsoft Teams information. Parties and their lawyers are strongly encouraged to use the Court-generated Notice of Hearing rather than their own Notice of Hearing form.

Lawyers and parties are reminded that many of the people our Department serves fall within the high-risk group. Thus, you are strongly encouraged to ensure that persons who are the subject of a guardianship and/or conservatorship proceeding are properly served with notice of any hearing so their personal attendance at the hearing for the sole purpose of waiving service can be avoided. If service has not been properly and timely effectuated, please consider asking that the hearing be continued.

Division contact information is as follows:

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- * Kendra Stevenson will be starting as Judge VandenBerg's Judicial Assistant on or about July 13, 2020. In the meantime, Judge VandenBerg's Courtroom Assistant (Bailiff), Heather McFarland, is serving as the point of contact for her Division. Heather's email address is heather.mcfarland@jbazmc.maricopa.gov.
- * Presently, Commissioners Mata and Williams do not have permanent Judicial Assistants. Members of Probate/Mental Health Department Court Administrators are filling in as their Judicial Assistants. We ask that you be patient during this transition period.

[Click here to access available court forms online](#)